



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,581	04/21/2004	Yaacov Ben-Yaacov	6995P001X	6720
8791 7590 06/27/2008 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
EXAMINER				
SELLERS, DANIEL R				
ART UNIT		PAPER NUMBER		
2615				
MAIL DATE		DELIVERY MODE		
06/27/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/829,581

**Applicant(s)**

BEN-YAACOV ET AL.

**Examiner**

DANIEL R. SELLERS

**Art Unit**

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18, 21-26, 37-41, 51 and 53-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18, 21-26, 37-41, 51 and 53-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Claims 19, 20, 27-36, 42-50, and 52 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/04/2008.

### ***Drawings***

2. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claims 1-6, 10-14, 16-18, 21-26, 37-41, 51, and 53-55** are rejected under 35 U.S.C. 103(a) as being unpatentable over Thielen, US 2004/0117442 A1 in view of Grady, US 2004/0058649.

6. Regarding **claim 1**, Thielen teaches a hand-held music player for use in conjunction with radios, comprising:

*a casing (§¶ 0080) ;*  
*a receiver socket on said casing through which digital audio data is received (§¶ 0084, wherein the docking connector can receive digital audio);*  
*a digital-to-analog audio converter housed within said casing (§¶ 0075);*  
*a first transfer socket on said casing through which a song is transferred to a radio transmitter (§¶ 0079 and 0081 in view of prior art in §¶ 0024);*  
*a second transfer socket on said casing through which meta-data for the song is transferred to the radio transmitter (§¶ 0084, wherein it is obvious the docking connector transfers metadata digitally in view of §¶ 0129 and 0212-0220); and*  
*a dial on said casing for selecting a song for playback.*

Thielen teaches a hand-held music player with the above features, wherein prior art taught an FM transmitter connected to a stereo headphone jack. It is also obvious that Thielen teaches an RDS transmitter which is detachable from the hand-held player (§¶

00129 in view of ¶ 0212-0220) Thielen does not appear to teach a dial on the casing for selecting a song for playback.

Grady teaches an FM transmitting docking station for an iPod™ (figures 1-19). It is well-known that an iPod™ at the time of the invention had a scroll-wheel for user input and it was used for selecting a song for playback (see figure 7). It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Thielen and Grady for the purpose of creating a docking station with RDS features for use with a popular portable music player.

7. Regarding **claim 2**, see the preceding argument with respect to claim 1. The combination teaches the hand-held music player of claim 1, wherein said receiver socket also receives control commands for the music player (see Thielen, ¶ 0084).
8. Regarding **claim 3**, see the preceding argument with respect to claim 1. The combination teaches the hand-held music player of claim 1, further comprising a stereo minijack connector for inserting a headphone (id., ¶ 0081).
9. Regarding **claim 4**, see the preceding argument with respect to claim 1. The combination teaches the hand-held music player of claim 1, further comprising an LED display (see Grady, ¶ 0075-0076 and figure 19).
10. Regarding **claim 5**, see the preceding argument with respect to claim 1. The combination teaches the hand-held music player of claim 1, further comprising an LCD display (see Thielen, ¶ 0117 and 0139).

11. Regarding **claim 6**, see the preceding argument with respect to claim 1. The combination teaches the hand-held music player of claim 1, wherein said receiver socket comprises a USB socket (id., ¶ 0084).

12. Regarding **claim 10**, see the preceding argument with respect to claim 1. The combination teaches the hand-held music player of claim 1, wherein the radio transmitter is an FM or an RF transmitter (id., ¶ 0129).

13. Regarding **claim 11**, see the preceding argument with respect to claim 10. The combination teaches the hand-held music player of claim 10, wherein the radio transmitter further comprises a radio data system (RDS) transmitter (id., ¶ 0129).

14. Regarding **claim 12**, see the preceding argument with respect to claim 11. The combination teaches the hand-held music player of claim 11, wherein the meta-data for the song is transferred through said second transfer socket, for transmission by the radio transmitter as RDS data (id., ¶ 0129, wherein it is obvious the meta-data is the associated text information which is transmitted with the audio data using FM and RDS means).

15. Regarding **claim 13**, see the preceding argument with respect to claim 12. The combination teaches the hand-held music player of claim 12, wherein the meta-data includes the name of the song currently being transmitted. Thielen teaches associated text information and it is obvious that this includes a name of the song currently being transmitted.

16. Regarding **claim 14**, see the preceding argument with respect to claim 11. The combination teaches the hand-held music player of claim 11, wherein information about

the hand-held digital music player is transferred through said second transfer socket to the radio transmitter, for transmission by the radio transmitter as RDS data (see the preceding argument with respect to claim 13, wherein the associated text information about a currently playing song reads on transferred information about a hand-held player, in as much that it conveys the player is playing a song).

17. Regarding **claim 16**, see the preceding argument with respect to claim 10. The combination teaches the hand-held music player of claim 10, further comprising a frequency selector, for selecting a broadcast frequency (id., ¶ 0128).

18. Regarding **claim 17**, see the preceding argument with respect to claim 16. The combination teaches the hand-held music player of claim 16, wherein said frequency selector comprises a tuner for scanning radio frequencies (id., ¶ 0133).

19. Regarding **claim 18**, see the preceding argument with respect to claim 1. The combination teaches a hand-held music player for use in conjunction with radios with these features.

20. Regarding **claim 21**, see the preceding argument with respect to claim 1. The combination teaches a hand-held container for audio with associated meta-data with these features.

21. Regarding **claim 22**, see the preceding argument with respect to claims 10, 11, and 21. The combination teaches the hand-held container of claim 21 with these features.

22. Regarding **claim 23**, see the preceding argument with respect to claims 13 and 21. The combination teaches the hand-held container of claim 21 with these features.

23. Regarding **claim 24**, see the preceding argument with respect to claims 14 and 21. The combination teaches the hand-held container of claim 22 with these features.
24. Regarding **claim 25**, see the preceding argument with respect to claims 16 and 21. The combination teaches the hand-held container of claim 21 with these features.
25. Regarding **claim 26**, see the preceding argument with respect to claims 17 and 21. The combination teaches the hand-held container of claim 25 with these features.
26. Regarding **claim 37**, see the preceding argument with respect to claims 1 and 10. The combination teaches an apparatus that performs a method for transferring audio with associated meta-data with these features.
27. Regarding **claim 38**, see the preceding argument with respect to claims 10, 11, and 37. The combination teaches the method of claim 37 with these features.
28. Regarding **claim 39**, see the preceding argument with respect to claims 13 and 37. The combination teaches the method of claim 37 with these features.
29. Regarding **claim 40**, see the preceding argument with respect to claims 16 and 37. The combination teaches the method of claim 37 with these features.
30. Regarding **claim 41**, see the preceding argument with respect to claims 17 and 37. The combination teaches the method of claim 40 with these features.
31. Regarding **claim 51**, see the preceding argument with respect to claim 1. The combination teaches an apparatus, which has a computer-readable storage medium storing program code for causing a device to perform the steps of:
- converting digital audio to analog audio; and

transmitting an analog song and meta-data associated therewith to a radio transmitter.

32. Regarding **claim 53**, see the preceding argument with respect to claim 1. The combination teaches a device with these features, wherein Thielen teaches that the dock connector is a USB socket (§ 0084) and it is obvious to send the meta-data to the RDS encoder (§ 0129) for the purpose of creating a modular design for use with a wide variety of media players (§ 0213-0220).

33. Regarding **claim 54**, see the preceding argument with respect to claim 1. The combination teaches an apparatus, which performs a method for transferring audio to a radio transmitter with these features.

34. Regarding **claim 55**, see the preceding argument with respect to claim 1. The combination teaches an apparatus which comprises a computer-readable storage medium storing program code for causing a device to perform the steps with these features.

35. **Claims 7 and 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Thielen and Grady as applied to claim 6 above, and further in view of well-known prior art.

36. Regarding **claim 7**, see the preceding argument with respect to claim 6. The combination teaches the hand-held music player of claim 6. However the combination does not specify if the USB socket is a USB 1.1 socket.

The Office takes *Official Notice*, wherein it is well-known in the prior art at the time of the invention by one of ordinary skill in the art that USB 1.1 and 2.0 could be implemented. It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Thielen, Grady, and well-known prior art for the purpose of supporting low-speed USB 1.1 devices to ensure compatibility. Likewise it would be obvious to support the high-speed USB 2.0 interface to ensure the fastest transfer rates of digital data when possible.

37. Regarding **claim 8**, see the preceding argument with respect to claims 6 and 7. The combination teaches the hand-held music player of claim 6, wherein said USB socket is a USB 2.0 socket.

38. **Claim 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Thielen and Grady as applied to claim 6 above, and further in view of Matsuda et al., US 6,774,604 B2 (hereinafter Matsuda).

39. Regarding **claim 9**, see the preceding argument with respect to claim 6. The combination of Thielen and Grady teaches the features of claim 6. However, the combination does not teach a USB on-the-go (OTG) socket.

Matsuda teaches a USB OTG socket for charging a digital device from another portable device or charging the portable device from the digital device (column 9, lines 1-60). It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Thielen, Grady, and Matsuda for the purpose of charging the digital player from another portable device.

40. **Claim 15** is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Thielen and Grady as applied to claim 14 above, and further in view of Ohmura et al., US 7,158,842 B2 (hereinafter Ohmura).

41. Regarding **claim 15**, see the preceding argument with respect to claim 14. The combination teaches the hand-held music player of claim 14. However the combination of Thielen and Grady does not teach information about the hand-held digital music player includes an identification number.

Ohmura teaches a system of portable apparatuses and an audio system in communication, wherein an identification number is transmitted (column 11, lines 29-49). It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Thielen, Grady, and Ohmura for the purpose of supporting several portable audio players on one audio system (column 3, lines 16-48).

### ***Conclusion***

42. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Juntunen et al., US 6,163,711 A - teaches an FM/RDS transmitter system (abstract);

James, US 6,671,494 B1 - teaches an add-on FM transmitter (abstract);

Saubade, US 2004/0049559 A1 - teaches a DARC encoder to provide text in a sideband (abstract and ¶ 0042);

Fadell et al., US 2004/0224638 A1 - teaches a system for communication with other media systems (abstract);

Strietelmeier, Julie, "Gadgeteer Hands On Review: Apple iPod (3<sup>rd</sup> Generation 30GB Model)", 06/06/2003 - teaches about the iPod (pp. 1-10); and

Staff, "Griffin Technology Ships New iTrip for 3<sup>rd</sup> Generation iPods", 10/08/2003 - teaches about an FM add-on to the iPod (pp. 1-2).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL R. SELLERS whose telephone number is (571)272-7528. The examiner can normally be reached on Monday to Friday, 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Suhan Ni can be reached on (571)272-7505. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel R. Sellers/  
Examiner, Art Unit 2615

/Suhan Ni/

Primary Examiner, Art Unit 2614